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10/725,226	12/01/2003	Henri Duong		2109

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EXAMINER

KING, BRADLEY T

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/725,226
Filing Date: December 01, 2003
Appellant(s): DUONG, HENRI

Henri Duong
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/19/2009 appealing from the Office action mailed 12/30/2005.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:
Claims 1-3 are pending and stand finally rejected.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The claims appendix does not contain a correct copy of the claims. The claims amendment submitted 8/26/2005 is the last amendment entered.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

The claim(s) are so indefinite that no art has been applied to the claim(s)-- See Ex Parte Lyell, 17 USPQ2d 1548, 1552.

Note: the use of etc. is prohibited, claims should not refer to figures nor should they depend from themselves

(10) Response to Argument

Appellant's arguments fail to provide any specific support or rational as to how the claims are in compliance with 112 2nd. Claim 1 recites limitations such as "a (third) radar/sensor equipping in the front of car to detect sound sonorous alarm or recorded message to driver at the earliest among other radars once obstruction detected by this radar, driver lowering car speed to avert automatic braking, of automatic voice sound". It is maintained that the scope of this recitation is indefinite as it is not clear which features are specifically required due to the use of parenthesis and forward slashes. It is also not clear what is encompassed by "driver lowering car speed to avert automatic braking" as the claim is directed towards a braking system. Further, "of automatic voice sound" does not appear to be a complete limitation.

Claim 2 improperly refers to several figures, depends from itself in several sections and contains periods. These defects further render the claims indefinite.

Claim 3 contains language such as “all kinds of motor and engine vehicles, automobiles, cars, trucks, buses, vans, trains, motorcycles, airplanes, ships, etc”. “all kinds” and “etc” render the scope of the recitation indefinite. Further, it is not clear how system for a traffic light which includes mirrors of cars would function in airplanes and ships.

The claims and the disclosure appear to merely list elements with no clear interconnection between them. Neither the claims nor the disclosure appear to describe a complete invention. Therefore, there scope and meaning are impossible to determine.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

BTK

/Bradley T King/

Primary Examiner, Art Unit 3657

Conferees:

Robert Siconolfi /RS/

John Nguyen /JN/

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Art Unit: 3657

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